

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CESAR BARROS,	:	CIVIL ACTION
	:	NO. 07-1300
Petitioner,	:	
	:	
v.	:	
	:	
JEFFREY BEARD,	:	
	:	
Respondent.	:	

**O R D E R**

**AND NOW**, this **4th** day of **September 2009**, upon consideration of the Report and Recommendation of United States Federal Magistrate Judge Linda K. Caracappa (doc. no. 20), petitioner's objections (doc. no. 21), and the Government's response thereto (doc. no. 23) it is hereby **ORDERED** that:

1. Petitioner's objections to the Report and Recommendation (doc. no. 21) are **OVERRULED**;
2. The Report and Recommendation is **APPROVED and ADOPTED**;
3. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, (doc. no. 1) is **DENIED and DISMISSED**;
4. There is no probable cause to issue a Certificate of Appealability.<sup>1</sup>

---

<sup>1</sup> A prisoner seeking a certificate of appealability must demonstrate "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner

**AND IT IS SO ORDERED.**

/s/Eduardo C. Robreno

---

**EDUARDO C. ROBRENO, J.**

---

satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). No basis for a certificate of appealability exists in this case, as the petitioner is unable to meet this standard.